

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE  
CAVERLY/SCHRAEDER ZONE CHANGE REQUEST  
ZONING MAP AMENDMENT REPORT (#FZC-10-02)  
MARCH 31, 2010**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by Flossie Caverly and Daniel and Susan Schraeder for a zoning map amendment in the Echo Lake Zoning District. The proposed amendment would change the zoning on the subject properties from AG-40 Agricultural to SAG-10 Suburban Agricultural.

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on April 14, 2010 in the 2<sup>nd</sup> Floor Conference Room, 1035 1<sup>st</sup> Ave West, Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. In accordance with Montana law, the Commissioners will also hold a public hearing on the proposed zoning map amendment(s) at a date and time yet to be determined. Documents pertaining to the zoning map amendment(s) are available for public inspection in the Flathead County Planning and Zoning Office, Earl Bennett Building, 1035 First Avenue West, in Kalispell. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendment(s) will also be available for public inspection in the Flathead County Clerk and Records Office, 800 South Main Street, in Kalispell.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee/Council**

The Bigfork Land Use Advisory Committee met on March 25, 2010 to review the proposed zoning map amendment. Staff gave a presentation of the report, followed by a brief presentation by Olaf Ervin, technical representative for the applicants. Members of the council had questions regarding the potential for high groundwater, the topographic features on the southern portion of the site, the potential for future development through clustering or PUD provisions, and the applicant's intent to complete an immediate family transfer on the property. Each council member then expressed their opinion of the zone change request based on the information provided; all council members had a favorable opinion of the request. A motion was made to forward a recommendation of approval to the Planning Board and Flathead County Commissioners; on roll call vote the motion passed unanimously.

**B. Planning Board**

The Flathead County Planning Board will hold a public hearing on the proposed amendment on April 14, 2010 and make a recommendation to the Flathead County Commissioners. This space is reserved for a summary of the Flathead County Planning Board's discussion and recommendation.

**C. Commission**

The Flathead County Commissioners will hold a public hearing on the proposed amendment on a date to be determined. This space is reserved for a summary of the Commission's discussion and decision.

## **II. GENERAL INFORMATION**

### **A. Application Personnel**

#### **i. Applicant**

Flossie Caverly  
630 McCaffery Road  
Bigfork, MT 59911

Daniel & Susan Schraeder  
770 McCaffery Road  
Bigfork, MT 59911

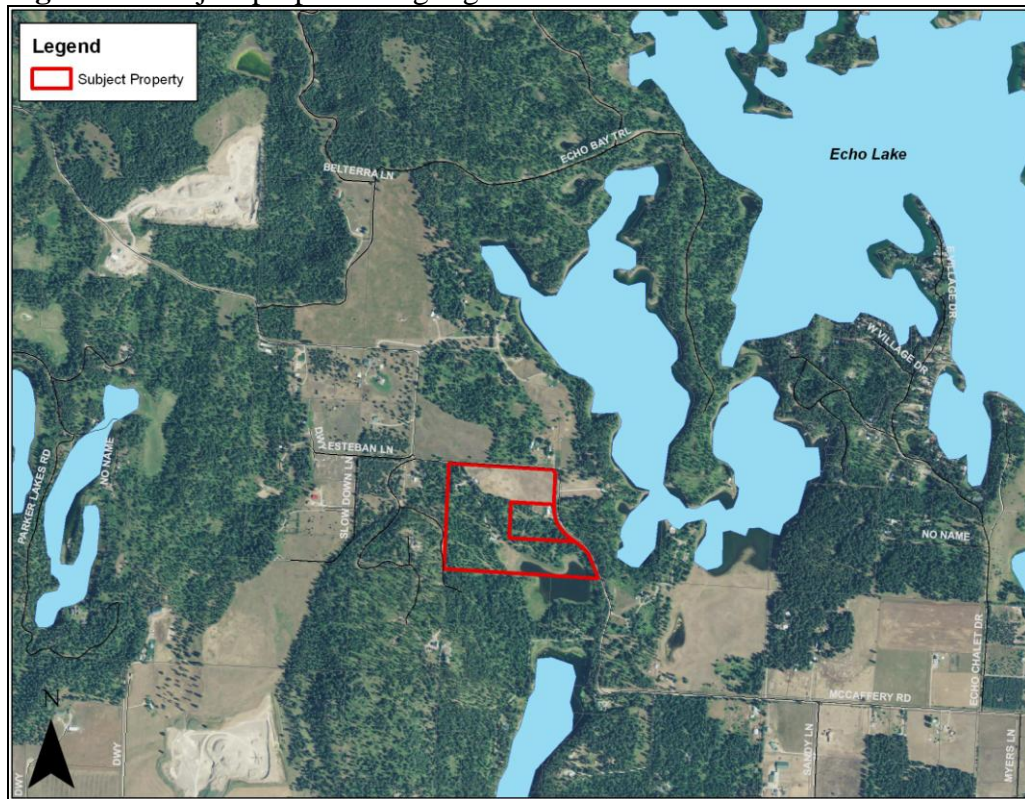
#### **ii. Technical Assistance**

Brooke Laidlaw Howard  
Montana Mapping Associates  
285 1<sup>st</sup> Avenue EN  
Kalispell, MT 59901

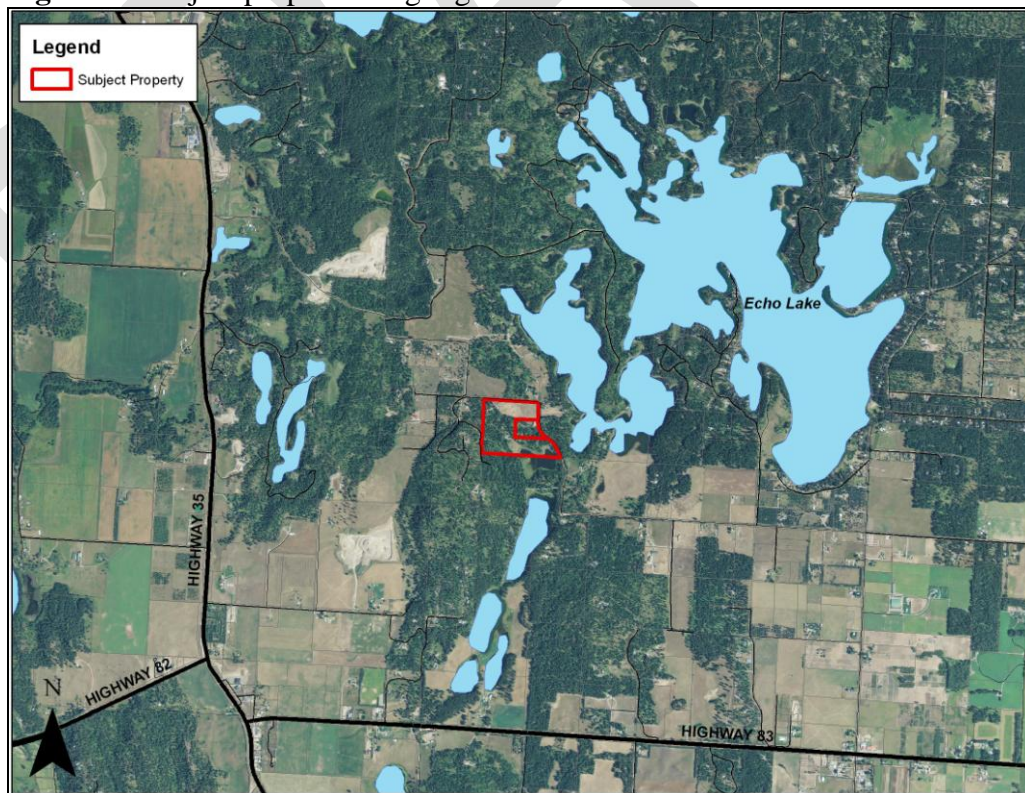
### **B. Subject Property Location and Legal Description**

The two properties requesting the zoning map amendment are located on the west side of McCaffery Road, roughly 500 feet east of the intersection of McCaffery Road with McCaffery Lookout and Esteban Lane (see Figure 1 below). Generally speaking, the properties are located east of Highway 35, north of Highway 83 and immediately southwest of the Echo Lake area (see Figure 2 below). The properties can be legally described as Tracts 1A and 1AB in N ½ S ½ of Section 7, Township 27 North, Range 19 West, P.M.M, Flathead County, Montana.

**Figure 1:** Subject properties highlighted in red.



**Figure 2:** Subject properties highlighted in red.

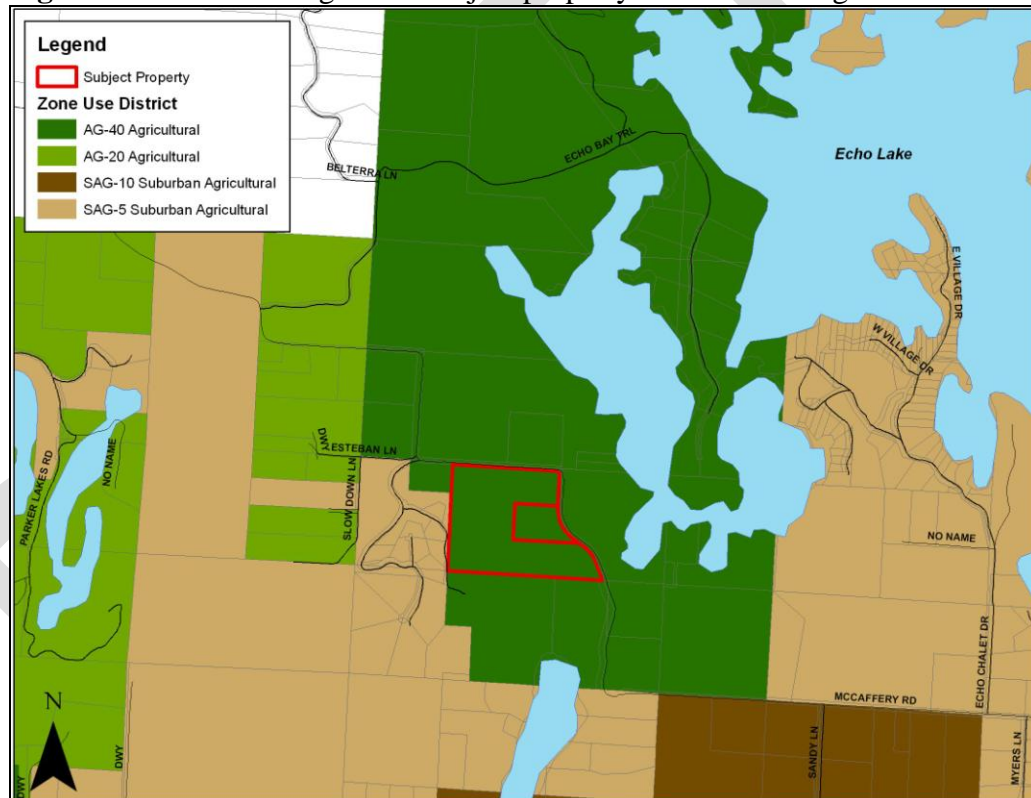


### C. Proposed Zoning Map Amendment

The subject properties are located in the Echo Lake Zoning District and are currently zoned AG-40 Agricultural (see Figure 3 below), defined as *“a district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with the agricultural environment, including but not limited to residential development.”*

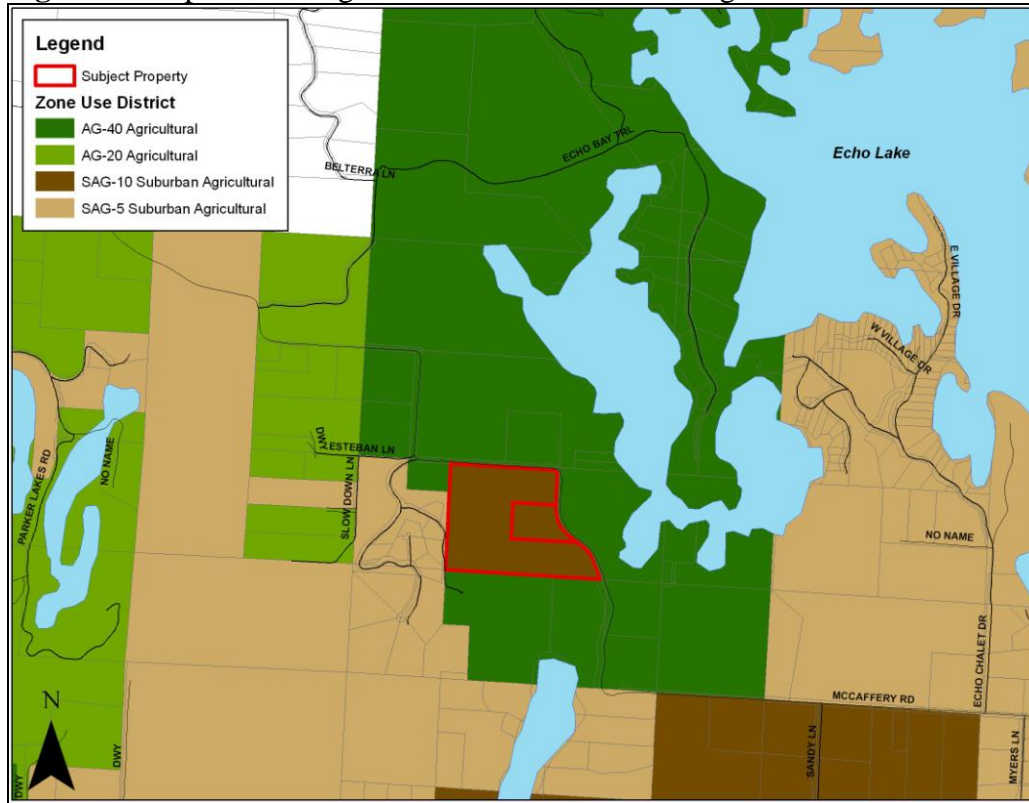
The proposed zoning map amendment would change the zoning use designation on the two properties to SAG-10 Suburban Agricultural (see Figure 4 below), defined as *“a district to provide and preserve agricultural functions and provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.”*

**Figure 3:** Current zoning of the subject property and surrounding area.





**Figure 4:** Proposed zoning in relation to the surrounding area.



#### **D. General Character of and Reason for Amendment**

The applicant has applied for a zoning map amendment from AG-40 Agricultural to SAG-10 Suburban Agricultural. There is an existing single family residence located on Tract 1AB (approximately 6 acres in size) and two single-family residences located on Tract 1A (approximately 40 acres in size). Of the two residences on Tract 1A, one was constructed in 1979, the second in 1987; both residences predate the Echo Lake Zoning District established on April 2, 1992.

A boundary line adjustment was recorded on September 3, 2009, for the purpose of separating Tract 1AB and the single family residence owned by the Schraeder family from the other two residences on the property. The applicant would like to separate the remaining two residences on Tract 1A through immediate family transfer in the future, and the zone change request from AG-40 to SAG-10 would allow the applicant to divide the property as planned in conformance with zoning.

#### **E. Adjacent Zoning and Character of the Overall Zoning District**

The general character of the area surrounding the subject properties requesting a zone change ranges from moderately wooded areas with pocket lakes, open land used for limited agricultural and large lot single family residential as well as higher density residential land uses along the shores of Echo Lake. This mix of forested, agricultural and residential land uses is reflected in the equally mixed zoning present in the general area.

The subject property is located in the Echo Lake Zoning District and surrounded by a variety of agricultural zoning use designations (please reference **Figures 3 and 4** above). The subject properties are directly adjacent to AG-40 Agricultural zoning to the north, east and south; SAG-5 Suburban Agricultural zoning is found to the immediate west. However, looking at the larger picture one can see AG-20 Agricultural zoning further west, and SAG-10 Suburban Agricultural zoning to the southeast along McCaffery Road.

The Echo Lake zoning district established in 1992 originally considered AG-40, AG-20 and SAG-5 zoning for the general area surrounding Echo Lake. While SAG-10 zoning was not expressly contemplated during this time, the Bigfork zoning district south of McCaffery Road considered SAG-10 zoning in the creation of the extensive district on September 27, 1993. Both the Bigfork zoning district and the Echo Lake zoning district are within the overall Bigfork Neighborhood Plan Area, which designates the land use in the greater Echo Lake area generally north of Highway 83 and east of Highway 35 as “AG-Agricultural”. According to the text of the neighborhood plan, appropriate zoning designations in areas designated for “agricultural” land uses range from SAG-5 Suburban Agricultural to AG-80 Agricultural. Specific use designations and their appropriateness in certain areas will be further discussed in Section IV.B below, as they pertain specifically to the zoning map amendment request.

When an application appears to have the potential for spot zoning, the “three part test” established by legal precedent in the case of *Little v. Board of County Commissioners* is reviewed specific to the requested map amendment. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a brief review of the three-part test in relation to this application.

1. *The zoning allows a use that differs significantly from the prevailing use in the area*

The intent of the existing AG-40 zoning is to “protect and preserve” agricultural land; similarly, the intent of SAG-10 zoning is to “provide and preserve” agricultural functions while also providing a buffer between urban and unlimited agricultural uses. While not exact, the intent of each district’s definition is similar, as are the permitted and conditional uses attributed to each district. Allowing the subject properties to change to SAG-10 would not allow uses on the properties that differ significantly from the prevailing uses allowed under the existing AG-40 zoning.

2. *The zoning applies to a small area or benefits a small number of separate landowners.*

The zoning map amendment would apply to approximately 46 acres and would only benefit two landowners.

3. *The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.*

While the zoning map amendment would apply to and potentially benefit a few landowners, this benefit is not likely to occur at the expense of the surrounding landowners because of the similarity in zoning designations. The applicant is not requesting a wholesale change in use (from agricultural to residential, commercial, or industrial, for example); the requested map amendment would primarily alter the bulk and dimensional requirements as applied to the subject properties.

In summary, the proposed zoning map amendment is not considered spot zoning because it meets only one out of three criteria. All three criteria must be met for the application to potentially be considered spot zoning.

#### **F. Public Services and Facilities**

Sewer:	Existing individual septic system(s)
Water:	Existing individual well(s)
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy (if available)
Telephone:	CenturyTel
Schools:	Bigfork School District (K-12)
Fire:	Creston Rural Fire District
Police:	Flathead County Sheriff's Office

#### **G. Criteria Used for Evaluation of Proposed Amendment**

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

#### **H. Compliance With Public Notice Requirements**

Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject properties on March 16, 2010. Legal notice of the Planning Board public hearing on this application will be published in the March 28, 2010 edition of the Daily Interlake.

Following the Planning Board hearing on April 14, 2010, public notice of the zoning map amendment will be physically posted on the subject properties and within the zoning district according to statutory requirements found in Section 76-2-205 M.C.A.]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the date, time and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

## **I. Agency Referrals**

Referrals were sent to the following agencies on February 3, 2010:

- Flathead County Public Works/Flathead County Road Department
  - Reason: Both properties access a public County road.
- Flathead City-County Health Department; Environmental Health Services
  - Reason: Both properties utilize private individual well and septic systems, and would require re-review by the Environmental Health Department should any additional development occur as a result of the proposed zone change.
- Flathead Conservation District
  - Reason: Tract 1A appears to have an area of jurisdictional wetland delineated along its south boundary.
- Creston Rural Fire District
  - Reason: Both properties are located within the department's jurisdiction.
- Bigfork Public School District
  - Reason: Both properties are located within the school district's jurisdiction.
- Department of Natural Resources and Conservation
  - Reason: There are delineated jurisdictional wetlands on the subject property, and is located in an area of the County that has the potential for groundwater issues.

## **III. COMMENTS RECEIVED**

### **A. Public Comments**

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment.

### **B. Agency Comments**

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Flathead County Public Works/Flathead County Road Department
  - Comment: The requested zone change is acceptable.
- Flathead City-County Health Department; Environmental Health Services
  - Comment: Given the location, minimum lot size and physical environment (soils, topography and groundwater), this office has no objection to this zone change.

## **IV. EVALUATION OF PROPOSED AMENDMENT**

### **A. Build Out Analysis**

Once a specific zoning designation is applied in a certain area, landowners have certain land uses that are allowed "by-right." A build-out analysis is performed to examine the maximum potential impacts of full build-out of those "by-right" uses. It is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not "best-case"



or “worst case” scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zone change to the future of the community to allow for the best possible review.

#### Current Zoning

As previously stated, the existing AG-40 Agricultural zoning is defined as a use district *“to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development”* (Section 3.05.010 FCZR). The following uses are permitted in an AG-40 zone:

1. Agricultural/horticultural/silvicultural uses.
2. Cellular Towers.
3. Class A and Class B manufactured homes.
4. Cluster housing.
5. Dairy products processing, bottling, and distribution.
6. Day care homes.
7. Dwellings, single-family.
8. Guest houses.
9. Fish hatcheries.
10. Home occupations.
11. Homeowners parks and beaches.
12. Kennels.
13. Nurseries, landscaping materials.
14. Parks.
15. Produce stands.
16. Public transportation shelter stations.
17. Public utility service installations.
18. Ranch employee housing.
19. Stables, riding academies, rodeo arenas.

The following uses are listed as conditional uses in an AG-40 zone; an asterisk designates conditional uses that may be reviewed administratively:

1. Airports.
2. Animal farms.
3. Animal hospitals, veterinary clinics.
4. Bed and breakfast establishments.
5. Camps and retreat centers.
6. Caretaker’s facility.\*
7. Cemeteries, mausoleums, columbariums, crematoriums.
8. Churches and other places of worship.
9. Communication towers/masts.
10. Community center buildings operated by a non-profit agency.

11. Contractor's storage yards.\*
12. Dwellings, family hardship.\*
13. Electrical distribution stations.
14. Extractive industries.
15. Feed and seed processing and cleaning.
16. Feed lots: cattle, swine, poultry
17. Landfills, sanitary for disposal of garbage and trash.
18. Radio and television broadcast studios.
19. Recreational facilities, low-impact.
20. Rifle ranges.
21. Schools, primary and secondary.
22. Temporary buildings or structures.\*
23. Water and sewage treatment plants.
24. Water storage facilities.

Minimum lot size in an AG-40 zone is 40 acres. The property requesting the zoning map amendment is comprised of two separate tracts of land, one approximately 6 acres in size, the other approximately 40 acres in size. Under the existing zoning, neither tract could be further subdivided unless utilizing residential clustering standards (FCZR Section 5.09); therefore the existing development represents the maximum build-out scenario possible for the subject property. Existing traffic counts represent the current development and are estimated at 10 vehicle trips per day per household, for a total of 30 vehicles trips per day for the subject properties requesting the map amendment. The two properties are served by existing individual well and septic facilities instead of public water and sewer, as well as police, fire, and medical services.

The bulk and dimensional standards require minimum setbacks of 20 feet from the front, side, rear and side-corner property boundaries for all principal structures; setbacks for accessory structures differ slightly, requiring 20 foot setbacks from front and side-corner property boundaries and 5 foot setbacks from side and rear property boundaries. Additional setbacks of 20 feet are required from streams, rivers and unprotected lakes that do not serve as property boundaries, and from county roads classified as collector or major/minor arterials. The maximum allowable building height is 35 feet for all structures (exempting agricultural buildings), and the permitted lot coverage is 20%.

#### Proposed Zoning

The proposed zoning map amendment would change the zoning on the subject properties from AG-40 Agricultural to SAG-10 Suburban Agricultural, defined as a *"district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate type residential development"* (Section 3.07.010 FCZR). The following is a list of permitted uses in a SAG-10 zone:

1. Agricultural/horticultural/silvicultural uses.

2. Cellular towers.
3. Class A and Class B manufactured homes.
4. Cluster housing.
5. Dairy products processing, bottling, and distribution.
6. Day care homes.
7. Dwellings, single-family.
8. Guest houses.
9. Home occupations.
10. Homeowners parks and beaches.
11. Nurseries, landscaping materials.
12. Parks and publicly owned recreational facilities.
13. Produce stands.
14. Public transportation shelter stations.
15. Public utility service installations.
16. Ranch employee housing.
17. Stables, riding academies, rodeo arenas.

The following uses are listed as conditional uses in a SAG-10 zone; once again, an asterisk designates conditional uses that may be reviewed administratively:

1. Airfields.
2. Aircraft hangars when in association with properties within or adjoining an Airport/landing field.\*
3. Animal hospitals, veterinary clinics.
4. Bed and breakfast establishments.
5. Camps and retreat centers.
6. Caretaker's facility.\*
7. Cemeteries, mausoleums, columbariums, crematoriums.
8. Churches and other places of worship.
9. Community center buildings operated by a non-profit agency.
10. Community residential facilities.\*\*
11. Contractor's storage yards.\*
12. Dwellings, family hardship.\*
13. Electrical distribution stations.
14. Extractive industries.
15. Golf courses.
16. Golf driving ranges.
17. Kennels, commercial.\*
18. Manufactured home parks.
19. Recreational facilities, low-impact.
20. Schools, primary and secondary.
21. Temporary buildings or structures.\*
22. Water and sewage treatment plants.
23. Water storage facilities.

Minimum lot size in an SAG-10 zone is 10 acres. Under the proposed zoning Tract 1AB, the smaller of the two properties at approximately 6 acres, would be unable to

further subdivide. This is no different than if the tract of land remained zoned AG-40, but would be substantially closer to complying with a minimum lot size of 10 acres than 40 acres under the proposed zoning. Tract 1A is approximately 40 acres in size and, under the proposed SAG-10 zoning, could potentially re-subdivide to create four individual lots, each 10 acres in size.

Residential clustering provisions also apply under the proposed zoning, but future development would be subject to the clustering guidelines and performance standards found in Section 5.09 of the Zoning Regulations. Planned Unit Developments (PUD) are also possible under the proposed SAG-10 zoning, and would be required to adhere to the design standards and guidelines for PUDs found in Section 3.31 of the zoning regulations. Given the maximum permissible density allowable for a SAG-10 PUD (2 dwelling units/10 acres), a total of six units would be possible on Tract 1A, in addition to the two single-family residences that currently exist.

There are two existing single-family residences located on Tract 1A. The applicant has stated the intent of the zone change would be to allow those single family residences to be separated on two individual properties through an immediate family transfer. Regardless, the property already functions at half the maximum build-out that would result from the proposed zone change; a map amendment to SAG-10 zoning would only increase vehicle traffic onto McCaffery Road by 20 trips per day, or 66% of the current vehicle traffic loading. The increased density as a result of the proposed map amendment has the potential to add two more individual wells and septic systems to the property.

Similar to AG-20, the bulk and dimensional standards under SAG-10 zoning require minimum setbacks of 20 feet from the front, side, rear and side-corner property boundaries for all principal structures, while setbacks for accessory structures require 20 foot setbacks from front and side-corner property boundaries and 5 foot setbacks from side and rear property boundaries. Additional setbacks of 20 feet are required from streams, rivers and unprotected lakes that do not serve as property boundaries, and from county roads classified as collector or major/minor arterials. The maximum allowable building height is 35 feet for all structures, and the permitted lot coverage is 20%.

In summary, the zone change request has the potential to increase residential density on Tract 1A through subdivision or family transfer in the future. However, the map amendment would not introduce uses to the subject properties or general area that significantly differ from uses that are allowed under the existing zoning and on the surrounding properties, and would not alter the bulk and dimensional requirements for the property at all. Impacts resulting from this hypothetical maximum build-out analysis are minimal and acceptable given the character and intent of the zoning district.

**B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)**

**i. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.**

The proposed zoning map amendment falls within the jurisdiction of both the Flathead County Growth Policy, adopted on March 19, 2007 (by Resolution #2015 A), and the Bigfork Neighborhood Plan, adopted on June 2, 2009 by Resolution #2208).

The Flathead County Growth Policy Designated Land Uses Map 2006 identified the subject properties as “Agricultural” based on the zoning in place at the time the map was created. The existing AG-40 zoning on the subject property complies with this land use designation for obvious reasons; however, the proposed SAG-10 zoning would require a land use designation of “Suburban Agricultural” to comply with the land use map related to the Growth Policy. However, a variety of goals and policies found within the text of the Growth Policy, pertaining to land use, transportation, public services and utilities and natural resources, are found to generally support the zoning map amendment requested.

Additionally, the Bigfork Neighborhood Plan serves as a more localized planning tool for the Bigfork area than the County Growth Policy document itself. The Bigfork Plan was adopted under the Growth Policy as a tool to capture the intent of the more regionalized growth policy for the community itself, and provide guidance on future development and land use decisions at the local level. Compliance with the Bigfork Neighborhood Plan is discussed in greater detail below.

As shown in Figure 5 below, the ‘Future Land Use Map’ for the Bigfork Neighborhood Plan area designates the area in which the subject properties are located as “Agricultural”. According to the text of the plan, this generalized land use designation allows for a spectrum of agricultural zones, dependent on the availability of public facilities, infrastructure and the limitations of the natural environment present in a given area. The plan describes areas appropriate for AG-40 zoning designations as being:

*“... far from public services or exhibiting significant environmental constraints. This large lot zoning is meant to protect ongoing agricultural and silvicultural activities from the intrusion of development, as well as to prevent development from being located where it is most inefficiently served and/or has the potential for significant harm to the environment of safety of its residents.”*

Alternately, the plan document describes areas appropriate for SAG-10 as:

*“exhibiting the attributes of rural services and facilities, and where a transition between AG zones and residential areas is appropriate. Paved roads, adequate emergency service response times, minimal environmental constraints and the ability to fully create lots with building*



These factors were discussed with the applicant during a pre-application conference held on December 16, 2009. The properties requesting the zoning map amendment have access to paved, public roads, are located within a rural fire district and have minimal environmental constraints. The presence of a designated wetland and some steeper topography along the southern boundary of Tract 1A was of particular concern, especially since the applicant was initially proposing a zoning map amendment to SAG-5 Suburban Agricultural. The applicant decided that in light of the guidance offered by the plan, a zoning map amendment to SAG-10 would be more appropriate given the characteristics of the surrounding area and the minimal environmental constraints present on the subject property.

**Map 10**  
Bigfork Area Land Use Plan  
Future Land Use Map

**Designated Future Land Use**

- SR Suburban Residential
- SR Urban Residential
- C Commercial
- CDD County Center Commercial
- VRC Village Center Commercial
- RD Resort Commercial
- I-1 Single Industrial
- P Public
- A Agricultural
- Quarter Circle L.P. Plan

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**Finding #1 – The proposed zoning map amendment complies with the Bigfork Neighborhood Plan because it is supported by various goals, policies and text regarding agricultural land use, and is compliant with the future land use map.**

**Finding #2 - The proposed zoning map amendment complies with the Flathead County Growth Policy because applicable goals, policies and text generally support the request.**

**ii. Whether the proposed map amendment is designed to:**

**1. Secure safety from fire and other dangers;**

The subject properties have existing driveway access onto McCaffery Road, a County road that is paved and sits within a 60-foot easement. The properties are also served by the Creston Rural Fire Department; the nearest fire and emergency response center is located approximately 9 miles northwest of the property, along Highway 35 in Creston. If the map amendment was approved and the properties were to reach full build-out potential, the additional lots would also have direct driveway access onto McCaffery Road and would continue to be served by the Creston Rural Fire Department. No comment was received from the fire department to indicate they would be unable to adequately serve the additional development that could result from the proposed map amendment.

**Finding #3- The proposed map amendment would secure safety from fire and other dangers because the properties involved have direct access to a paved public road built to County standards and able to accommodate emergency vehicle safely and efficiently, and because the properties are located within the jurisdiction of the Creston Rural Fire Department for fire and medical emergency services.**

**2. Promote public health, public safety, and general welfare;**

The properties in question have direct access onto a paved public road, are within a rural fire district providing fire and emergency medical services, and are served by existing individual well and septic systems. If the property were to reach full build-out potential as a result of the proposed zoning map amendment, the additional two lots created would continue to be served by the public road, rural fire district, and by newly installed well and septic systems. Comment from the Environmental Health Department indicated the physical environment in the area (soils, topography and groundwater) could adequately handle the increase in residential density possible as a result of the zoning map amendment. The creation of additional lots would also require the County Road and Bridge Department review new driveway approaches accessing onto McCaffery Road, further ensuring public health and safety.

**Finding #4 – A zoning map amendment from AG-40 to SAG-10 would not impact public health, safety and general welfare because additional development could be adequately served by individual well and septic systems, the Creston Rural Fire District, and additional driveway access onto McCaffery Road will require review by and compliance with the Road & Bridge Department standards.**

**3. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.**

As previously stated, the subject properties have direct access onto McCaffery Road, a paved County road that can accommodate the minimal increase in vehicle traffic that may result from the proposed map amendment. Both lots currently utilized private individual wells and septic systems, and comment received from the Environmental Health Department indicates there is enough soil capacity to accommodate future development onsite. The properties are located within the Bigfork School District, and bus service is provided to residents along McCaffery Road. No comment was received by the superintendent of schools that would indicate the school district would be unable to accommodate future growth and development in this area, should it result from the proposed map amendment. While there are a handful of County parks in the immediate area, the zoning map amendment from AG-40 to SAG-10 maintains a fairly large minimum lot size for the benefit of recreational uses. In addition, there are many recreational activities available within 10 miles of the subject property, including the Jewel Basin, Echo Lake, and Wayfarers State Park (among others).

**Finding #5 – The proposed zoning map amendment facilitates the adequate provision of transportation, water, sewer, schools and parks by providing for direct access onto paved public roads, utilizing private individual well and septic facilities, being located within and served by the Bigfork Public School District, and having access to local and state parks and recreation facilities in the greater Bigfork area.**

**iii. In evaluating the proposed map amendment, consideration shall be given to:**

**1. The reasonable provision of adequate light and air;**

While the proposed zoning map amendment has the potential to increase development density on the subject property (particularly Tract 1A), any additional lots created would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot size requirements of the SAG-10 district. With the exception of minimum lot size, the bulk and dimensional requirements for SAG-10 zoning are identical to those of the existing AG-40 zoning. These minimum standards would ensure there is adequate light and air available to the subject properties and surrounding area.

**Finding #6 - The proposed zoning map amendment would provide adequate light and air to the subject properties and surrounding area because future development would be required to meet the bulk, dimensional and permitted lot coverage requirements of SAG-10 zoning, and these requirements are identical to the bulk, dimensional and lot coverage requirements under the current AG-40 zoning.**

**2. The effect on motorized and non-motorized transportation systems;**

The subject properties requesting the zoning map amendment have existing, driveway access onto McCaffery Road, a paved County roadway. The two single-family residences on Tract 1A share a single driveway that accesses onto McCaffery along the northern property boundary, over 1000 feet west from where McCaffery makes a 90-degree turn to the south. The single-family residence located on Tract 1AB accesses McCaffery Road approximately 500 feet south of this turn, along the eastern edge of the property. Future development as a result of the proposed zoning map amendment would be required to obtain approval for direct driveway access onto McCaffery Road from the Road and Bridge Department, to ensure public health and safety along this County collector road. There are currently no bike or pedestrian trails located along McCaffery Road or in the general area, on which the zoning map amendment would have an immediate impact.

**Finding #7 – The effects on motorized and non-motorized transportation systems will be minimal because the properties currently have access onto McCaffery Road, a paved County collector; future access would require review for impacts to the transportation system and to public health and safety; and because there are no non-motorized transportation systems in the immediate area.**

**3. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);**

This criterion is not directly applicable to the zoning map amendment request because the proposal is located well outside the ‘urban’ area associated with the town of Bigfork, which is not a municipality. The nearest municipality is the City of Kalispell, and the proposed zoning map amendment has no relation to the urban growth area of this municipality. The proposal is in an area of the County that is considered rural, not urban, in character. Furthermore, the proposed zoning map amendment would not result in urban densities but is meant to provide moderate flexibility in a rural setting for smaller agricultural lot sizes. Although relatively modest in size for agricultural uses, lot sizes allowable under SAG-10 zoning are considered large in the context of residential development.

**Finding #8- The proposed zoning map amendment would not affect urban growth in the vicinity of Kalispell because the map amendment is rural in nature and is located in an area appropriate for rural development, well outside the area of influence of the City of Kalispell.**

**4. The character of the district(s) and its peculiar suitability for particular uses;**

The proposed zoning map amendment would change the zoning use on the subject properties from agricultural to suburban agricultural. This change is minor, and would have little (if any) impact on the character of the district

because the majority of uses permitted under the proposed SAG-10 zoning designation are currently allowed under the existing AG-40 zoning designation. As the property is currently suitable for the permitted uses allowable under AG-40 zoning, the proposed zoning map amendment appears equally suitable for the property under review.

**Finding #9 – The proposed zoning map amendment would be suitable for the subject property because the permitted uses and general characteristics of the proposed suburban agricultural zoning designation are very similar to the existing agricultural zoning in place, and the character of the district would not drastically change.**

**5. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**

Both properties involved in this zoning map amendment request are currently developed, with one single-family residence on Tract 1AB and two single-family residences on Tract 1A. The zoning map amendment would allow the separation of the two residences on one tract of land, conserving the value of the homes as well as the property on which they reside. This separation would also result in a situation that is similar to the surrounding properties, which typically permit one single-family home per tract of record. As previously discussed, the zoning map amendment would not result in a change in land use that drastically differs from what currently exists. The character of the general area is a mix of agricultural, suburban agricultural and residential uses; the existing zoning is agricultural, and the proposed zoning is suburban agricultural. Therefore the proposed zoning map amendment would continue to encourage the most appropriate use of land throughout the district.

**Finding #10 – The zoning map amendment would conserve the value of buildings and encourage the appropriate use of land throughout the jurisdiction by allowing the separation of uses on smaller lots and allowing suburban agricultural uses to continue in a jurisdiction where such land uses are prominent.**

**iv. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.**

As previously discussed, the nearest municipality is the City of Kalispell, which is a separate jurisdiction from the County and governed by a separate set of zoning regulations. There are no agricultural or suburban agricultural use designations provided for in the City's zoning regulations, therefore the issue of compatibility between the County regulations and the City regulations is not directly applicable to this zoning map amendment request.

**Finding #11 – This issue of compatibility between the County zoning regulations and the City of Kalispell zoning regulations is not directly**



**applicable to this map zoning amendment because there are no agricultural or suburban agricultural zoning designations in the nearest municipal zoning ordinance.**

## **V. SUMMARY OF FINDINGS**

**Finding #1** – The proposed zoning map amendment complies with the Bigfork Neighborhood Plan because it is supported by various goals, policies and text regarding agricultural land use, and is compliant with the future land use map.

**Finding #2** - The proposed zoning map amendment complies with the Flathead County Growth Policy because applicable goals, policies and text generally support the request.

**Finding #3** - The proposed map amendment would secure safety from fire and other dangers because the properties involved have direct access to a paved public road built to County standards and able to accommodate emergency vehicle safely and efficiently, and because the properties are located within the jurisdiction of the Creston Rural Fire Department for fire and medical emergency services.

**Finding #4** – A zoning map amendment from AG-40 to SAG-10 would not impact public health, safety and general welfare because additional development could be adequately served by individual well and septic systems, the Creston Rural Fire District, and additional driveway access onto McCaffery Road will require review by and compliance with the Road & Bridge Department standards.

**Finding #5** – The proposed zoning map amendment facilitates the adequate provision of transportation, water, sewer, schools and parks by providing for direct access onto paved public roads, utilizing private individual well and septic facilities, being located within and served by the Bigfork Public School District, and having access to local and state parks and recreation facilities in the greater Bigfork area.

**Finding #6** - The proposed zoning map amendment would provide adequate light and air to the subject properties and surrounding area because future development would be required to meet the bulk, dimensional and permitted lot coverage requirements of SAG-10 zoning, and these requirements are identical to the bulk, dimensional and lot coverage requirements under the current AG-40 zoning.

**Finding #7** – The effects on motorized and non-motorized transportation systems will be minimal because the properties currently have access onto McCaffery Road, a paved County collector; future access would require review for impacts to the transportation system and to public health and safety; and because there are no non-motorized transportation systems in the immediate area.

**Finding #8** - The proposed zoning map amendment would not affect urban growth in the vicinity of Kalispell because the map amendment is rural in nature and is located in an area appropriate for rural development, well outside the area of influence of the City of Kalispell.

**Finding #9** – The proposed zoning map amendment would be suitable for the subject property because the permitted uses and general characteristics of the proposed suburban agricultural zoning designation are very similar to the existing agricultural zoning in place, and the character of the district would not drastically change.

**Finding #10** – The zoning map amendment would conserve the value of buildings and encourage the appropriate use of land throughout the jurisdiction by allowing the separation of uses on smaller lots and allowing suburban agricultural uses to continue in a jurisdiction where such land uses are prominent.

**Finding #11** – This issue of compatibility between the County zoning regulations and the City of Kalispell zoning regulations is not directly applicable to this map zoning amendment because there are no agricultural or suburban agricultural zoning designations in the nearest municipal zoning ordinance.

## **VI. RECOMMENDATION**

Based on the review of the statutory criteria used to evaluate zoning map amendments, staff recommends the Flathead County Planning Board adopt staff report FZC-10-02 as Findings of Fact and forward a recommendation of approval to the County Commissioners for a zoning map amendment on 46.5 acres in the Echo Lake Zoning District, from AG-40 Agricultural to SAG-10 Suburban Agricultural.